

California Regional Water Quality Control Board
San Diego Region

CLEANUP AND ABATEMENT ORDER NO. 98-45
for
MOULTEN NIGUEL WATER DISTRICT
ORANGE COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The Moulten Niguel Water District is subject to Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Systems*.
2. Prohibition A.1 of Order No. 96-04 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.
3. The Moulten Niguel Water District has discharged wastes in the vicinity of Trabuco Creek, near Camino Capistrano and Junipero Serra, in violation of Order No. 96-04 on February 24, 1998 (3,000,000-5,000,000 gallons into Trabuco Creek), and on April 4, 1998 (75,000 gallons at Trabuco Creek, near Camino Capistrano and Junipero Serra, in Trabuco Creek).
4. The Moulten Niguel Water District reported that the February 24th spill was caused by a broken 39 inch line crossing Trabuco Creek. The April 4 spill was caused by flood damaged temporary pump station (placed to divert flows resulting from February 24 break, above). The City further reported that no spilled sewage was recovered and that both spills reached Trabuco Creek and the Pacific Ocean.
5. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. The Moulten Niguel Water District shall initiate the necessary remedial and preventative actions to cease the threat of sewage spills from the section of pipeline noted in this Order and shall abate the effects of past violations of Order No. 96-04 forthwith.
2. The Moulten Niguel Water District shall submit a report by May 31, 1998 that includes the following:
 - a. An engineered assessment of the causes of the sewer spills cited in this Order, and
 - b. A description of the District's efforts to abate the effects of the sewer spills, and

April 7, 1998

c. either:

- (1) A technical report with supporting documentation prepared and signed by registered civil engineer, licensed in the State of California, certifying that the subject section of the City's sewer system will not be subject to flooding and washout in the future; or
- (2) If certification cannot be completed by May 31, 1998, the District shall submit a time schedule for completing the necessary studies to determine flooding and washout conditions in the sewer; or
- (3) If the District is aware or becomes aware that the subject section of the sewer system is susceptible to flooding and washout, a plan and time schedule to rehabilitate the subject pipeline.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500), for each day in which the cleanup and abatement order is violated.

JOHN H. ROBERTUS
Executive Officer

Date issued: May 7, 1998